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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,450	12/17/2003	Yoshiaki Masuno	F-8094	9326
28107	7590	08/25/2004	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			KOYAMA, KUMIKO C	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/739,450	<b>Applicant(s)</b> MASUNO, YOSHIAKI	
	<b>Examiner</b> Kumiko C. Koyama	<b>Art Unit</b> 2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on February 06, 2002. It is noted, however, that applicant has not filed a certified copy of the 2002-069335 application as required by 35 U.S.C. 119(b).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Pentel (US 6,435,406).

Pentel discloses a generalized remote ordering apparatus 210 comprising an input device 212, which is a mobile terminal, and an ordering station 140 unconnected to the input device 212 (col 7, lines 19-21). The input device 212 is cellular telephone 250 equipped with a bar code reader, and the user may order an item from his home or car (col 8, lines 2-6). The store or restaurant may publish a menu of items with corresponding bar codes, either in print or on the world wide web (col 8, lines 5-9), which teaches that the user orders based on observation of a product or service. The cellular telephone is analog and includes a modem for transmission of information (col 7, lines 44-45). The customer swipes a credit card through the credit card slot

Art Unit: 2876

128 at home (col 8, lines 14-16), which teaches an online payment. Pentel also discloses that the GPS 260 indicates that user's location, precise to within 10 feet, and the input device 212 transmits this location to the ordering station during the ordering process (col 8, lines 17-21). A delivery person, equipped with another GPS transceiver inputs the GPS coordinates into his transceiver and is able to go directly to the location at which the ordering user is located (col 8, lines 21-24). Pentel also teaches that the payment is a cash payment (col 2, lines 45-50).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel (US 6,435,406) in view of Ogasawara (US 6,386,450).

Pentel discloses a generalized remote ordering apparatus 210 comprising an input device 212, which is a mobile terminal, and an ordering station 140 unconnected to the input device 212 (col 7, lines 19-21). The input device 212 is cellular telephone 250 equipped with a bar code reader, and the user may order an item from his home or car (col 8, lines 2-6). The store or restaurant may publish a menu of items with corresponding bar codes, either in print or on the world wide web (col 8, lines 5-9), which teaches that the user orders based on observation of a product or service. The cellular telephone is analog and includes a modem for transmission of information (col 7, lines 44-45). The customer swipes a credit card through the credit card slot

Art Unit: 2876

128 at home (col 8, lines 14-16), which teaches an online payment. Pentel also discloses that the GPS 260 indicates that user's location, precise to within 10 feet, and the input device 212 transmits this location to the ordering station during the ordering process (col 8, lines 17-21). A delivery person, equipped with another GPS transceiver inputs the GPS coordinates into his transceiver and is able to go directly to the location at which the ordering user is located (col 8, lines 21-24). Pentel also teaches that the payment is a cash payment (col 2, lines 45-50).

Pentel fails to teach information includes at least one of age, health condition and driver's license information. Pentel also fails to teach checking the location of the product along with location of the person on a display.

Ogasawara discloses an electronic information display and customer location recognition to a computer based system for locating a customer's position within a shopping store and displaying product and location information on a customer operated mobile terminal (col 1, lines 10-17). Ogasawara also discloses customer information including age (col 3, lines 40-45).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Ogasawara to the teachings of Pentel in order for the customer to quickly locate the product with being lost, and therefore, providing the customer with faster service.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Buch et al (US 6,463,468).

Pentel discloses a generalized remote ordering apparatus 210 comprising an input device 212, which is a mobile terminal, and an ordering station 140 unconnected to the input device 212 (col 7, lines 19-21). The input device 212 is cellular telephone 250 equipped with a bar code

Art Unit: 2876

reader, and the user may order an item from his home or car (col 8, lines 2-6). The store or restaurant may publish a menu of items with corresponding bar codes, either in print or on the world wide web (col 8, lines 5-9), which teaches that the user orders based on observation of a product or service. The cellular telephone is analog and includes a modem for transmission of information (col 7, lines 44-45). The customer swipes a credit card through the credit card slot 128 at home (col 8, lines 14-16), which teaches an online payment. Pentel also discloses that the GPS 260 indicates that user's location, precise to within 10 feet, and the input device 212 transmits this location to the ordering station during the ordering process (col 8, lines 17-21). A delivery person, equipped with another GPS transceiver inputs the GPS coordinates into his transceiver and is able to go directly to the location at which the ordering user is located (col 8, lines 21-24). Pentel also teaches that the payment is a cash payment (col 2, lines 45-50).

Pentel fails to teach a free web access service.

Buch discloses providing free internet access to a user.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Buch to the teachings of Pentel in order to provide promotion or advertisements of the products to the customer through the internet, and thereby encouraging the customer to purchase more products.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Beach et al., U.S. Patent No. 6,084,528, discloses intranet scanning terminal system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kumiko C. Koyama  
August 20, 2004

  
**DIANE I. LEE**  
**PRIMARY EXAMINER**